

Message Text

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PAGE 01 NUEVO 00096 191834Z

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ACTION SCSE-00

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FM AMCONSUL NUEVO LAREDO

TO SECSTATE WASHDC 261

INFO AMEMBASSY MEXICO

UNCLAS NUEVO LAREDO 0096

E.O. 11652: N/A

TAGS: CASC, MX (OSTAPIW, WALTER MICHAEL)

SUBJECT: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO
(WALTER MICHAEL OSTAPIW)

REF: STATE 194199, NLD A-9 DTD 1 APR 1974, NLD OM DTD 6 AUG
1975

1. MISTREATMENT AT TIME OF ARREST: SUBJECT CLAIMS THAT HE WAS PHYSICALLY BEATEN WITH CLOSED FISTS BY THE FEDERAL JUDICIAL POLICE AT THE TIME OF ARREST, BUT THAT NO SERIOUS INJURY RESULTED. ALTHOUGH SUBJECT MADE THIS COMPLAINT KNOWN TO CONOFF DURING INITIAL INTERVIEW, FIVE DAYS AFTER ARREST, NO REQUEST WAS MADE FOR CONSULAR INTERVENTION NOR WAS THE COMPLAINT MADE IN THE INITIAL STATEMENT TO THE COURT. POST BELIEVES THAT AT THIS LATE DATE ALLEGATION WOULD BE DIFFICULT TO SUBSTANTIATE AND THAT NO ACTION APPEARS FEASIBLE AT THIS TIME. TO DATE SUBJECT HAS NOT REQUESTED CONSULATE TO PROTEST TREATMENT AT TIME OF ARREST.

2. FORCED CONFESSION: SUBJECT CLAIMS THAT AS A RESULT OF THE MISTREATMENT MENTIONED ABOVE, HE SIGNED A FORCED CONFESSION, ALTHOUGH NO SUCH COMPLAINT IS NOTED IN INITIAL CONOFF INTERVIEW ON 19 MARCH 1974. AGAIN POST BELIEVES THAT AT THIS LATE DATE, NO ACTION APPEARS FEASIBLE AT THIS TIME.

3. DENIAL OF BOND: SUBJECT CLAIMS THAT HIS RIGHTS UNDER MEXICAN CONSHIHUTION ARE ABUSED IN THAT HIS REQUEST FOR RELEASE UNDER BOND HAS BEEN DENIED BY MONTERREY COURT OF
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PAGE 02 NUEVO 00096 191834Z

APPEALS. SUBJECT'S SENTENCES OF FOUR YEARS AND FINE OF

10,000 MEX PESOS QUALIFIES HIM FOR RELEASE UNDER BOND, BUT MONTERREY JUDGE HAS REFUSED TO CONSIDER IT BECAUSE OF THE LEGAL DIFFICULTY ENCOUNTERED IN ASSURING THAT A FOREIGNER, AFTER RELEASE, WILL REMAIN IN MEXICO AT THE DISPOSITION OF THE COURT. POST HAS NOT NOTED ANY RELAXATION OF THE JUDGES STAND ON THE ISSUE OF RELEASE UNDER BOND FOR AMERICANS.

4. COMMISSIONED WORK: SUBJECT IS AWARE OF COMMISSIONED WORK PROGRAM BUT HAS CHOSEN NOT TO WORK LATELY. POST HAS ENCOURAGED HIM TO CONSIDER WORKING AS A MEANS OF EARNING A SENTENCE REDUCTION.

5. APPEALS: SUBJECT HAS AMPARO DIRECTO PENDING BEFORE MEX SUPREME COURT MEXICO CITY. POST CONTINUES TO MONITOR CASE AND WILL REPORT SIGNIFICANT DEVELOPMENTS.
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